Mr. James E. O'Neill, Deputy Archivist
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701
12/29/76

Dear Mr. O'Neill,

I suppose all I can do about your endless stonewalling and attempts at whipsawing if to refuse to be part of them.

I address an appeal from what under FOIA is a denial. You can prate and pontificate and misinterpret all you want but I did file an appeal and as of the date of your receipt I do expect you to respect it. From that date you have 20 days only.

If there ever was an exemption it has been waived by making what I asked for available to the Washington Post, which did not only report it in the Post but syndicated it widely.

You had 10 days from the time of receipt to ask for an extension of time, as you did not. Had you that extension also is past time permitted, as I understand it.

I did address a separate request to the CIA. It has not bothered to acknolwedge it, leave alone respond. And why should I expect it to when it has requests not yet met after almost six years? Appeals not responded to after almost two years.

My request of the CIA is months old. First it tried to talk me out of it, then it just ignored it. Under these circumstances I do not feel bound to be part of adeliberate official contempt of an Act of the Congress whose purposes include ending this kind of official misconduct.

I had an earlier request of the CIA also not complied with that included this intercept material. Because it is about a year overdue I filled a narrowed one long ago. Without compliance. Making things easier for them makes no difference. The elephants trample the forests still.

What I asked of you is less than I asked of the CIA. Compliance presents absolutely no problem for you. Less could it when all of this has been all over the front pages all around the world, with some of the leaking by the CIA, some of the making available by the Archives.

Even if it were true that your needless forwarding of the request to the CIA, I presume by dessicated snails, was necessary, your letter to me is stamp dated 12/28. My appeal, not the original request, was dated 18 days earlier. Much as you deplore the Act, it is a 20-day Act and I do not believe the Congress gave you the right to amend it unilaterally. There has been, as I understand the Act, a denial. If you can cite provisions of the Act that say otherwise I will, of course, believe you. But there is nothing in a long and painful correspondence that persuades me to accept the unsupported Archives word. You cite no provision.

I have asked you for a record in your cystody and control, a Warren Commission record, a record the contents of which at least were mad e available to another. I am not making any appeal to the CIA of your denial of your record. You and the CIA fight that out, if there is a controversy between you, but I demand that it be within the Act with all this time having been wasted for me. You wasted most of your time in non-response.

In the letter to which you respond belatedly I did report making a request of the CIA that includes that which I asked of you. There therefore was no purpose served by your forwarding my request of you to them. Except, of course, wasting my time. You have the record or you do not. You give it to me or you do not.

The CIA ignored Ms. Deutrich's request that it repond to me. It has not. The time allowed for that by law also has expired. This is to say that there is nothing in your non-response to a proper appeal that is not outside the law and contemptuous of it.

Sincerely, Harold Weisberg